

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

KAIFI LLC,

Plaintiff,

v.

T-MOBILE US, INC. and
T-MOBILE USA, INC.,

Defendants.

Case No. 2:20-CV-00281-JRG

Hon. Rodney Gilstrap

**T-MOBILE'S NOTICE OF CORRECTION RE KAIFI'S
MOTION TO COMPEL ESI FROM DEFENDANTS**

Defendants T-Mobile US, Inc. and T-Mobile USA, Inc. (“T-Mobile”) respectfully submit this Notice of Correction concerning its August 2, 2021 Opposition to Plaintiff’s Motion to Compel ESI from Defendants. (Dkt. No. 194). Due to an editing oversight, T-Mobile’s brief stated that “KAIFI has still not produced any emails under the ESI Order.” *See id.* at 6. In fact, KAIFI produced 28 emails on the ESI Order target date of June 11, 2021, followed by another 101 emails on July 1 2021, three weeks after the target date. The second, larger production was served the day before the ESI custodian’s deposition, and T-Mobile’s e-discovery vendor was not able to process the documents to provide adequate time for review before the deposition.

For completeness, the sentence at issue in T-Mobile’s brief should have read as follows, with the corrected language indicated in bold:

Meanwhile, KAIFI waited more than *three weeks* to object to terms for its singular custodian, Hanbum Cho, when the hit counts were only 244 and 108 documents, and **KAIFI still did not produce all of its emails under the ESI Order until the date for doing so had passed.** *See* Ex. 2 (Email from R. Carson to P. Kremer).

DATE: August 11, 2021

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Josh A. Krevitt

Josh A. Krevitt
New York Bar No. 2568228
Benjamin Hershkowitz
New York State Bar No. 2600559
Katherine Q. Dominguez
New York Bar No. 4741237
Paul J. Kremer
New York Bar No. 4900338
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, New York 10166-0193
Telephone: (212) 351-4000
Facsimile: (212) 351-4035
bhershkowitz@gibsondunn.com
kdominguez@gibsondunn.com
pkremer@gibsondunn.com

Nathan R. Curtis
Texas State Bar No. 24078390
GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue
Dallas, Texas 75201-2923
Telephone: (214) 698-3423
Fax: (214) 571-2961
ncurtis@gibsondunn.com

Melissa R. Smith
Texas State Bar No. 24001351
GILLAM & SMITH, LLP
303 S. Washington Ave.
Marshall, TX 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257
Melissa@gillamsmithlaw.com

*Attorneys for Defendants T-Mobile US, Inc.
and T-Mobile USA, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A), on August 11, 2021.

/s/ Josh A. Krevitt

Josh A. Krevitt